

FORM PTO-1390 (Modified) (REV 10-95)		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		ATTORNEY'S DOCKET NUMBER 0096009	
<b>TRANSMITTAL LETTER TO THE UNITED STATES</b> <b>DESIGNATED/ELECTED OFFICE (DO/EO/US)</b> <b>CONCERNING A FILING UNDER 35 U.S.C. 371</b>				U.S. APPLICATION NO. (IF KNOWN, SEE 37 CFR <div style="font-size: 1.5em; font-weight: bold;">09/331375</div>	
INTERNATIONAL APPLICATION NO. <b>PCT/US97/23611</b>		INTERNATIONAL FILING DATE <b>19 December 1997</b>		PRIORITY DATE CLAIMED <b>20 December 1996</b>	
TITLE OF INVENTION <b>TREATMENT OF MAMMALIAN MYOCARDIUM WITH MORPHOGEN LOCALLY, OR WITH MORPHOGENICALLY-TREATED MYOGENIC PRECURSOR CELLS</b>					
APPLICANT(S) FOR DO/EO/US <b>COHEN, Charles M. and SAMPATH, Kuber T.</b>					
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:					
<ol style="list-style-type: none"> <li>1 <input checked="" type="checkbox"/> This is a <b>FIRST</b> submission of items concerning a filing under 35 U.S.C. 371.</li> <li>2 <input type="checkbox"/> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a filing under 35 U.S.C. 371.</li> <li>3 <input checked="" type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).</li> <li>4 <input checked="" type="checkbox"/> A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.</li> <li>5 <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371 (c) (2))           <ol style="list-style-type: none"> <li>a. <input type="checkbox"/> is transmitted herewith (required only if not transmitted by the International Bureau).</li> <li>b. <input type="checkbox"/> has been transmitted by the International Bureau.</li> <li>c. <input checked="" type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).</li> </ol> </li> <li>6 <input type="checkbox"/> A translation of the International Application into English (35 U.S.C. 371(c)(2)).</li> <li>7 <input checked="" type="checkbox"/> A copy of the International Search Report (PCT/ISA/210).</li> <li>8 <input checked="" type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))           <ol style="list-style-type: none"> <li>a. <input type="checkbox"/> are transmitted herewith (required only if not transmitted by the International Bureau).</li> <li>b. <input type="checkbox"/> have been transmitted by the International Bureau.</li> <li>c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.</li> <li>d. <input checked="" type="checkbox"/> have not been made and will not be made.</li> </ol> </li> <li>9 <input type="checkbox"/> A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).</li> <li>10 <input type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).</li> <li>11 <input checked="" type="checkbox"/> A copy of the International Preliminary Examination Report (PCT/IPEA/409).</li> <li>12 <input type="checkbox"/> A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).</li> </ol>					
<b>Items 13 to 18 below concern document(s) or information included:</b>					
<ol style="list-style-type: none"> <li>13 <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.</li> <li>14 <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</li> <li>15 <input type="checkbox"/> A <b>FIRST</b> preliminary amendment.                  A <b>SECOND</b> or <b>SUBSEQUENT</b> preliminary amendment.</li> <li>16 <input type="checkbox"/> A substitute specification.</li> <li>17 <input type="checkbox"/> A change of power of attorney and/or address letter.</li> <li>18 <input type="checkbox"/> Certificate of Mailing by Express Mail</li> <li>19 <input checked="" type="checkbox"/> Other items or information:</li> </ol>					
<div style="border: 1px solid black; height: 100px; margin-top: 5px;">         PCT/IB/308 as evidence that the International Application has been transmitted to the United States Receiving Office       </div>					

U.S. APPLICATION NO. (IF KNOWN, SEE 37 CFR 1.492 (a) (1) - (5)) :	INTERNATIONAL APPLICATION NO. <b>PCT/US97/23611</b>	ATTORNEY'S DOCKET NUMBER <b>00960-519</b>
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20. The following fees are submitted:

**BASIC NATIONAL FEE ( 37 CFR 1.492 (a) (1) - (5)) :**

☒ Search Report has been prepared by the EPO or JPO ..... **\$840.00**

☐ International preliminary examination fee paid to USPTO (37 CFR 1.482) ..... **\$670.00**

☐ No international preliminary examination fee paid to USPTO (37 CFR 1.482) but international search fee paid to USPTO (37 CFR 1.445(a)(2)) ..... **\$760.00**

☐ Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO ..... **\$970.00**

☐ International preliminary examination fee paid to USPTO (37 CFR 1.482) and all claims satisfied provisions of PCT Article 33(2)-(4) ..... **\$96.00**

**ENTER APPROPRIATE BASIC FEE AMOUNT =**

Surcharge of **\$130.00** for furnishing the oath or declaration later than ☐ 20 ☒ 30 months from the earliest claimed priority date (37 CFR 1.492 (e)). **\$130.00**

CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	
Total claims	48 - 20 =	28	x \$18.00	<b>\$504.00</b>
Independent claims	15 - 3 =	12	x \$78.00	<b>\$936.00</b>
Multiple Dependent Claims (check if applicable). <input checked="" type="checkbox"/>				<b>\$260.00</b>
<b>TOTAL OF ABOVE CALCULATIONS =</b>				<b>\$2,670.00</b>
Reduction of 1/2 for filing by small entity, if applicable. Verified Small Entity Statement must also be filed (Note 37 CFR 1.9, 1.27, 1.28) (check if applicable). <input type="checkbox"/>				<b>\$0.00</b>
<b>SUBTOTAL =</b>				<b>\$2,670.00</b>
Processing fee of <b>\$130.00</b> for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492 (f)). <b>\$0.00</b>				
<b>TOTAL NATIONAL FEE =</b>				<b>\$2,670.00</b>
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31) (check if applicable). <input type="checkbox"/>				<b>\$0.00</b>
<b>TOTAL FEES ENCLOSED =</b>				<b>\$2,670.00</b>
				Amount to be: refunded \$
				charged \$

**CALCULATIONS PTO USE ONLY**

☒ A check in the amount of **\$2,670.00** to cover the above fees is enclosed.


☐ Please charge my Deposit Account No. \_\_\_\_\_ in the amount of \_\_\_\_\_ to cover the above fees.  
A duplicate copy of this sheet is enclosed.

☒ The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. **50/0311** A duplicate copy of this sheet is enclosed.

**NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.**

SEND ALL CORRESPONDENCE TO:

**Ivor R. Elrifi**  
**Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C.**  
**One Financial Center**  
**Boston, Massachusetts 02111**

  
 \_\_\_\_\_  
 SIGNATURE

**John T. Prince**  
 \_\_\_\_\_  
 NAME

**43,019**  
 \_\_\_\_\_  
 REGISTRATION NUMBER

**18 June 1999**  
 \_\_\_\_\_  
 DATE